

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MATHEWS,

Petitioner,

v.

UTTECHT,

Respondent.

No. 20-cv-6215-RSL-JRC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, having reviewed the report and recommendation of Chief Magistrate Judge J. Richard Creatura, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the report and recommendation as to all sections except that page 4, lines 3–4, should read, “However, petitioner did not file a collateral challenge in state court, and thus, statutory tolling does not apply.”
- (2) Petitioner’s federal habeas petition is dismissed with prejudice.
- (3) A certificate of appealability is denied in this case.
- (4) The Clerk is directed to send copies of this order to petitioner, counsel for respondent, and to the Hon. J. Richard Creatura.

DATED this 19th day of July, 2021.



Robert S. Lasnik
United States District Judge